



RESTRICTION ELECTION FACSIMILE OFFICIAL TRANSMISSION

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DATE: August 25, 1999
 FROM/ATTORNEY: Darryl E. Steensma
 FIRM: Morgan & Finnegan, L.L.P.
 PAGES, INCLUDING COVERSHEET: 4
 PHONE NUMBER: (212) 415-8565

TO EXAMINER: S. Devi
 ART UNIT: 1641
 SERIAL NUMBER: 09/120,044
 FAX/TELECOPIER NUMBER: (703) 305-3704

PLEASE NOTE: THIS FACSIMILE NUMBER IS TO BE USED ONLY FOR RESPONSES TO RESTRICTIONS.

COMMENTS: _____

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PATENTDocket No. 1758-4036US2**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) :	Conceicao MINETTI, et al.	Group Art Unit: 1641
Serial No. :	09/120,044	Examiner: DEVI, S.
Filed :	July 21, 1998	
For :	MODIFIED IMMUNOGENIC PNEUMOLYSIN COMPOSITIONS AS VACCINES	

CERTIFICATE OF FACSIMILE TRANSMISSION

ASSISTANT COMMISSIONER FOR PATENTS
 Washington, D.C. 20231
 FAX/TELECOPIER NUMBER: (703) 305-3704

Sir:

I hereby certify that the attached Response To Restriction Requirement and Restriction Election Facsimile Transmission (along with any paper(s) referred to as being attached or enclosed) and this Certificate of Facsimile are being transmitted on date shown below to: Assistant Commissioner For Patents, Washington, D.C. 20231, Fax/Telecopier Number: (703) 305-3704.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

By: Jacqueline Costanzo
 Jacqueline Costanzo

Dated: August 25, 1999
 CORRESPONDENCE ADDRESS:
 MORGAN & FINNEGAN LLP
 345 Park Avenue
 New York, New York 10154
 (212) 758-4800
 (212) 751-6849 Facsimile

FORM: CERT.NY
 Rev. 05/27/98

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Serial No : 09/120,044 Examiner: DEVI, S.
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RESPONSE TO RESTRICTION REQUIREMENT

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Sir.

In response to the restriction requirement issued August 4, 1999, Applicants elect to prosecute the claims of invention I, i.e., claims 1-15 and 22-26. In addition, Applicants provisionally elect pneumolysin species pNV207.

Further, Applicants respectfully request reconsideration of the restriction of inventions I, III and IV which are related as product and processes of use. Applicants submit that in this case, if the product is novel and unobvious, the method of killing bacteria and method for immunization are also novel and unobvious. Therefore, the examination of the claims of inventions III and IV in addition to the claims of invention I should not impose an undue burden upon the Examiner.

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PATENT

Docket No. 1758-4036US2

AUTHORIZATION

No additional fee is believed to be necessary.

The Commissioner is hereby authorized to charge any additional fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No 1758-4036US2.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 1758-4036US2. A DUPLICATE OF THIS SHEET IS ATTACHED.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P

Dated: August 25, 1999

By. Darryl H Steensma
Darryl H Steensma
Registration No 43,155

CORRESPONDENCE ADDRESS:
MORGAN & FINNEGAN LLP
345 Park Avenue
New York, New York 10154
(212) 758-4800
(212) 751-6849 Facsimile